



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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February 10, 2020

**BY ECF**

Honorable Vernon S. Broderick  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Diarra v. City of New York  
16 CV 7075 (VSB) (OTW)

Your Honor:

I am a Senior Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, representing Defendant City of New York in the above-captioned matter. Pursuant to Court's Order dated December 2, 2019, (ECF No. 251) defendant writes to provide the Court with a status report.

As Your Honor is aware, defendant's motion for costs was stayed pending the resolution plaintiff's application to the United States Supreme Court. *See* ECF No. 247. However, upon information and belief, plaintiff's petition for *Writ of Certiorari* was denied by the United States Supreme Court on November 25, 2019. On January 13, 2020, plaintiff's petition for rehearing was also denied. As such, defendant City requests that the stay be lifted so that the Court may render a decision on the pending motion for costs. The motion for costs was fully briefed as of September 7, 2019, and is ready for decision. *See* ECF Nos. 243-245.

Thank you for your consideration herein.

Respectfully submitted,

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Valerie E. Smith  
*Senior Counsel*

cc: **VIA ECF**  
Kissinger Sibanda, Esq.  
*Attorney for Plaintiff*